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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,140	11/07/2001	Masanori Gunji	008312-0284090	4652
909 7590 02/07/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/986,140

**Applicant(s)**

GUNJI ET AL.

**Examiner**

James A. Fletcher

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 February 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 6, and 10 have been considered but they are not persuasive.

**In re pages 4 and 5**, Applicant's Representative states: "Tsumagari fails to teach or suggest that the thumbnail image is cancelable by means of the use of an input section and according to the cancellation of the thumbnail image, the chapter manager re-stores position information of the video data to the chapter information recording, as recited in amended claim 1."

The Examiner respectfully disagrees. Tsumagari explicitly discloses the ability of the user to delete (cancel) a thumbnail image as discussed below, and further explicitly discloses that the deletion of the thumbnail image removes the entry of the thumbnail image as marking a chapter boundary, thereby restoring the original chapter boundary, and meeting the limitations of amended claim 1.

In re page 5, Applicant's Representative states: "Tsumagari also fails to teach or suggest automatically cancelling the chapter boundary information when the thumbnail image is cancelled by means of an input section, as recited in amended claim 6."

The Examiner again respectfully disagrees. Tsumagari explicitly discloses the restoration of an original chapter boundary when a thumbnail marking a user-defined chapter boundary is deleted by the user, thereby meeting the limitations of amended claim 6.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsumagari et al (6,480,669).

**Regarding claims 1 and 6,** Tsumagari et al disclose an apparatus and method for recording video data on recording medium having a chapter information recording area comprising:

- a recording processor to record video data on the recording medium (Col 1, lines 14-18 "an apparatus/method capable of real-time digital recording of a video picture and the like, and a digital information medium (real-time digital video recording/playback system) used in the apparatus/method");

- an input section configured to cause the recording processor to direct a temporary halt of a recording operation (Col 30, line 2 “at the pause of recording”);
- a chapter manager to automatically store a position information of the video data to the chapter information recording area as a chapter boundary information of the video data when the recording operation of the recording processor is temporarily halted by the input section and restarted after the temporary halt (Col 29, line 66 – Col 30, line 6 “Note that the RTR video recorder automatically enters entry points at the start of recording, at the end of recording, at the pause of recording...and so forth, in addition to the aforementioned process for entering entry points at given time intervals irrespective of recorded contents”);
- a thumbnail setting section configured to set a top picture as a thumbnail image when the recording processor restarts the recording operation after the temporary halt (Col 31, lines 27-29 “At each entry point entered by the user, an image [obtained by reducing the I-picture of MPEG] at that position is extracted as a thumbnail”);
- wherein the thumbnail image corresponds to the chapter boundary information of the video data (Col 29, line 66 – Col 30, line 6 “Note that the RTR video recorder automatically enters entry points at the start of recording, at the end of recording, at the pause of recording...and so forth, in addition to

the aforementioned process for entering entry points at given time intervals irrespective of recorded contents”),

- wherein the thumbnail image is cancelable by means of the use of the input section (Col 39, lines 5-7 “the user can write or erase a mark [entry point] at an arbitrary recording position of video data, audio data, and the like”), and
- wherein according to the cancellation of the thumbnail image, the chapter manager restores position information of the video data to the chapter information recording (Col 27, lines 49-50 “If playback from an entry point is not required [NO in step ST50], the playback process continues”).

**Regarding claims 2 and 7**, Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the thumbnail setting section stores the thumbnail image on the recording medium (Col 10, lines 59-61 “the dummy pack can be used to store reduced-scale image (thumbnail picture) data which is displayed on a user menu, as needed” and Col 2, lines 18-20 “The designation information (M\_CI) records entry point information (M\_C\_EPI) for designating the playback position in an object”).

**Regarding claim 10**, Tsumagari et al disclose an apparatus wherein when the thumbnail image is canceled, a chapter started at the thumbnail image is merged to an adjacent chapter (Col 27, lines 49-50 “If playback from an entry point is not required [NO in step ST50], the playback process continues”).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (6,480,669), and further in view of Moser (7,176,949).

**Regarding claim 3**, Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the input section comprises a remote controller having an entry point key (Col 26, lines 61-65), as well as describing pause locations as being entry points as analyzed and discussed above, but does not specifically disclose the remote control having a pause feature.

The examiner takes official notice that remote controls having pause features are notoriously well known, commercially available, and widely used, providing a user with the ability to temporarily suspend recording or playback of signals in order to eliminate undesired program material or to begin recording with precision.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al in order to include a remote control with a pause function.

**Regarding claims 4 and 9**, Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area further comprising a pausing director that automatically directs the recording processor to

denote an entry point upon detecting that an audio signal of the video data has changed levels (Col 30, lines 7-12), but does not specifically disclose causing a pause when the audio changes from a monophonic signal to a stereophonic signal.

As suggested by Tsumagari et al, sensing changes in an audio signal for the purpose of denoting an entry point in a video program is well known, providing the user with the ability to automatically assign entry points at program change points.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al in order to initiate a pause that denotes an entry point when the audio signal changes from monophonic to stereophonic.

**Regarding claim 8**, Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the entry point designation is noted by a remote device (Col 26, lines 61-65), and that an entry point may be caused by a temporary halting of the recording operation as analyzed and discussed above, but does not specifically disclose a pause that is initiated by a remote device.

The examiner takes official notice that remote controls having pause features are notoriously well known, commercially available, and widely used, providing a user with the ability to temporarily suspend recording or playback of signals in order to eliminate undesired program material or to begin recording with precision.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al to include the use of a remote control having a pause button.

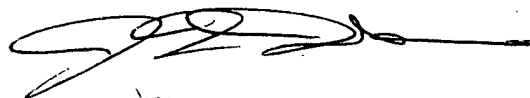


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF  
22 January 2008



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**